

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

<p>In re:</p> <p>Louis A Morris, Jr , Debtor</p> <p>Paula J Morris, Joint Debtor</p> <p>SELENE FINANCE LP AS ATTORNEY IN FACT FOR WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PREMIUM MORTGAGE ACQUISITION TRUST</p> <p>Movant</p> <p>v.</p> <p>Louis A Morris, Jr.,</p> <p>Paula J Morris,</p> <p>Debtor/Respondent</p> <p>WILLIAM C. MILLER, Esq., Esquire</p> <p>Trustee/Respondent</p>	<p>Bankruptcy No. 19-12370-elf</p> <p>Chapter 13</p> <p>Hearing Date: June 15, 2021 Hearing Time: 9:30a.m. Location: Courtroom 1 at 900 Market Street, Suite 400, Philadelphia, PA 19107</p>
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**MOTION OF SELENE FINANCE LP AS ATTORNEY IN FACT FOR WILMINGTON
SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY
BUT AS TRUSTEE FOR PREMIUM MORTGAGE ACQUISITION TRUST FOR
RELIEF FROM THE AUTOMATIC STAY TO PERMIT SELENE FINANCE LP AS
ATTORNEY IN FACT FOR WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A
CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PREMIUM
MORTGAGE ACQUISITION TRUST TO FORECLOSE ON 1864 Garden Court,
Langhorne, PA 19047**

Secured Creditor, SELENE FINANCE LP AS ATTORNEY IN FACT FOR WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PREMIUM MORTGAGE ACQUISITION TRUST, by and through the undersigned counsel, hereby moves this Court, pursuant to 11 U.S.C. §

362(d), for a modification of the automatic stay provisions for cause, and, in support thereof, states the following:

1. Debtor(s), Louis A Morris, Jr. and Paula J Morris, filed a voluntary petition pursuant to Chapter 13 of the United States Bankruptcy Code on April 12, 2019.
2. Jurisdiction of this cause is granted to the Bankruptcy Court pursuant to 28 U.S.C. § 1334, 11 U.S.C. § 362(d), Fed. R. Bankr. P. 4001(a), and all other applicable rules and statutes affecting the jurisdiction of the Bankruptcy Courts generally.
3. On August 6, 2008, Louis A Morris, Jr. and Paula J Morris executed and delivered a Promissory Note (“Note”) and Mortgage (“Mortgage”) securing payment of the Note in the amount of \$260,189.87 to Household Finance Consumer Discount Company. A true and correct copy of the Note is attached hereto as Exhibit “A.”
4. The Mortgage was recorded on August 12, 2008 in Book 5882 at Page 1216 of the Public Records of Bucks County, Pennsylvania. A true and correct copy of the Mortgage is attached hereto as Exhibit “B.”
5. The Mortgage was secured as a lien against the Property located at 1864 Garden Court, Langhorne, PA 19047, (“the Property”).
6. A loan modification was entered into on January 26, 2017, creating a new principal balance of \$248,266.66. A true and correct copy of the Agreement is attached hereto as Exhibit “C.”
7. The loan was lastly assigned to WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION TRUST and same was recorded with the Bucks County Recorder of Deeds on July 8, 2019, as Instrument Number 2019034678. A

true and correct copy of the Assignment of Mortgage is attached hereto as Exhibit “D.”

8. Based upon the Debtor(s)’ Chapter 13 Amended Plan (Docket No.16), the Debtor intends to cure the pre-petition arrearages within the Plan and is responsible for maintaining post-petition payments directly to Secured Creditor. A true and correct copy of the Amended Chapter 13 Plan is attached hereto as Exhibit “E.”
9. Debtor has failed to make the monthly post-petition payments of principal, interest, and escrow in the amount of \$1,823.81 which came due on March 1, 2021, April 1, 2021, and May 1, 2021, respectively. There is currently a suspense balance of \$1,676.18.
10. Thus, Debtor(s)’ post-petition arrearage totaled the sum of \$3,795.25 through May 1, 2021. A copy of the payoff quote and the payment history is attached hereto as Exhibit “F”.

Principal Balance	\$240,707.29
Deferred Principal Balance	\$137,965.70
Delinquent Interest	\$12,896.35
Escrow Advance	\$12,414.34
Corporate Advance Balance	\$2,886.72
Late Fees	\$107.64
Reocrding Fee	\$66.00
Suspense Balance	(\$2,038.14)
Per Diem Amount	\$27.63
Total Payoff	\$405,005.90
3 missed regular monthly payments each @ \$1,823.81 from March 1, 2021 to May 1, 2021	\$5,471.43
Suspense Balance	\$1,676.18
Total Post-Petition Default Due	\$3,795.25

11. According to the Debtor(s)’ schedules, the value of the property is \$384,104.00. A true and accurate copy of the Debtor(s)’ Schedule D is attached hereto as Exhibit “G.”
12. Under Section 362(d)(1) of the Code, the Court shall grant relief from the automatic stay for “cause” which includes a lack of adequate protection of an interest in property.

Sufficient “cause” for relief from the stay under Section 362(d)(1) and is established where a debtor has failed to make installment payments or payments due under a court-approved plan, on a secured debt, or where the Debtor(s) have no assets or equity in the Mortgaged Property.

13. As set forth herein, Debtor has defaulted on his secured obligation as he has failed to make his monthly post-petition installment payments to Secured Creditor.
14. As a result, cause exists pursuant to 11 U.S.C. § 362(d) of the Code for this Honorable Court to grant relief from the automatic stay to allow Secured Creditor, its successor and/or assignees to pursue its state court remedies, including the filing of a foreclosure action.
15. Additionally, once the stay is terminated, the Debtor(s) will have minimal motivation to insure, preserve, or protect the collateral; therefore, Secured Creditor requests that the Court waive the 14-day stay period imposed by Fed.R.Bankr.P. 4001(a)(3).

WHEREFORE, Secured Creditor, prays this Honorable Court enter an order modifying the automatic stay under 11 U.S.C. § 362(d) to permit SELENE FINANCE LP AS ATTORNEY IN FACT FOR WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION TRUST to take any and all steps necessary to exercise any and all rights it may have in the collateral described herein, to gain possession of said collateral, to seek recovery of its reasonable attorneys’ fees and costs incurred in this proceeding, to waive the 14-day stay imposed by Fed.R.Bankr.P. 4001(a)(3), and for any such further relief as this Honorable Court deems just and appropriate.

Dated: May 20, 2021

Robertson, Anschutz, Schneid, Crane & Partners, PLLC

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By: /s/ Charles G. Wohlrab

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